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WHEREAS, the cities of Edmonds and Lynnwood have undertaken the improvement of portions of Highway 99 in the cities of Lynnwood and Edmonds pursuant to an Interlocal Agreement dated August 9, 1990; and

WHEREAS, the 1990 Agreement provides that if condemnation is necessary to acquire any right-of way, the general purpose governments shall exercise their authority within their respective jurisdictions; and

WHEREAS, the City of Lynnwood has been designated as the lead agency for the SR 99 project improvements; and

WHEREAS, the City of Lynnwood and the City of Edmonds will enter into an interlocal agreement in conjunction with this ordinance authorizing Lynnwood to prosecute the condemnation action; and

1 WHEREAS, one parcel within the City of Edmonds has yet to be acquired and the
2 property owners of said parcel have failed to accept Lynnwood's offer to purchase the property;
3 and

4 WHEREAS, acquisition of this property is essential to the completion of
5 improvements of Highway 99; NOW, THEREFORE,

6
7 THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
8 ORDAIN AS FOLLOWS:

Section 1. Need for Property. The real property described herein is necessary for the installation of improvements to SR 99, and the public necessity and convenience demand that the project be constructed and maintained and that the real property described herein below be condemned, appropriated, taken and damaged for the construction of said improvements as provided by this ordinance.

Section 2. Declaration of Necessity. The City Council of the City of Edmonds, after hearing the report of the City staff, and after reviewing the planned improvements for the project, hereby declares that the property described on Exhibit A attached hereto and incorporated herein by this reference as if fully set forth, is necessary for public use, i.e., for the installation of improvements to SR 99.

Section 3. Condemnation. The real property described on Exhibit A shall be, and the same is hereby condemned, appropriated, taken and damaged for the purposes of installing improvements to SR 99, together with all necessary appurtenances and related work to complete the improvements. Condemnation of the property is subject to the making or paying of just compensation to the owners thereof in the manner provided by law.

Section 4. An Interlocal Agreement, attached hereto as Exhibit B, and incorporated by this reference as fully as if herein set forth, is hereby approved, thereby authorizing the City of Lynnwood through its City Attorney to undertake any and all necessary legal action and proceedings necessary to and in the manner provided by law, including but not limited to condemnation, to acquire the property described in the attached Exhibit A.

Section 5. The entire cost of the property acquisition authorized by this ordinance, including all costs and expenses of condemnation proceedings, shall be paid in accordance with the underlying Interlocal Agreement of August 9, 1990, and may be paid from the general fund of the City and from such other funds as the City Council shall deem appropriate.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date/Summary Publication. This ordinance, being the exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect and be in full force five (5) days after its passage and publication of the attached summary, which is hereby approved.

PASSED this 23rd day of April, 2002, and signed in authentication of its passage this 24th day of April, 2002.

MAYOR, GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	04/19/2002
PASSED BY THE CITY COUNCIL:	04/23/2002
PUBLISHED:	04/28/2002
EFFECTIVE DATE:	05/03/2002
ORDINANCE NO. <u>3396</u>	

SUMMARY OF ORDINANCE NO. 3396

of the City of Edmonds, Washington

On the 23rd day of April, 2004, the City Council of the City of Edmonds, passed Ordinance No. 3396. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY WITHIN THE CITY OF EDMONDS FOR THE PURPOSE OF INSTALLING IMPROVEMENTS ALONG SR 99 AND VICINITY; PROVIDING FOR THE CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND OR OTHER PROPERTY NECESSARY THEREFORE; AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE CITY OF LYNNWOOD AUTHORIZING LYNNWOOD TO PROSECUTE SUCH ACT ON BEHALF OF THE CITY OF EDMONDS IN ACCORDANCE WITH THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

The full text of this Ordinance will be mailed upon request.

DATED this 24th day of April, 2004.

City Clerk, Sandra S. Chase

